

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SAMUEL E. FIELDS,
JOHNETTE FIELDS,
NEW MEXICO DEPARTMENT OF
TAXATION AND REVENUE,

Defendants.

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Case No.: 2:12-cv-113-WJ-LAM

UNITED STATES' MOTION TO COMPEL PRODUCTION OF DOCUMENTS
BY DEFENDANTS SAMUEL E. FIELDS AND JOHNETTE FIELDS

The United States moves the Court, pursuant to Fed. R. Civ. P. 37 and D.N.M. LR-Civ. 37, to compel Defendants Samuel E. Fields and Johnette Fields (“the Fields”) to produce documents that the United States seeks for purposes of discovery. Pursuant to Fed. R. Civ. P. 34(a)(1)(A), the United States timely served on each of the Fields Defendants a Request for Production of Documents. Both the Fields testified in their depositions that they possess documents that are responsive to the requests. No documents have been produced, however, and this failure to cooperate will prejudice the United States if the Fields remain nonresponsive. The United States shows as follows:

1. On April 23, 2015, the United States served its First Set of Requests for Admissions, Interrogatories, and Requests for Production of Documents on Defendant Samuel E. Fields by mailing the same to Defendant Samuel E. Fields, C/o Fields Master Cleaners, LLC, 3317 N. Grimes Street, Hobbs, NM 88240, by Certified Mail, Return Receipt Requested, and by U.S. first

class mail, postage prepaid. Ex. 1, Dec. Moha P. Yepuri; Ex. 2, United States' First Set of Requests for Production of Documents to Samuel E. Fields.

2. On April 24, 2015, the United States served its First Set of Requests for Admissions, Interrogatories, and Requests for Production of Documents on Defendant Johnette Fields by mailing the same to Defendant Johnette Fields, C/o Fields Master Cleaners, LLC, 3317 N. Grimes, Hobbs, NM 88240, by Certified Mail, Return Receipt Requested, and by U.S. first class mail, postage prepaid. Ex. 1, Dec. Moha P. Yepuri; Ex. 3, United States' Requests for Production of Documents to Johnette Fields.

3. On April 29, 2015, the United States filed a Certificate of Service of these two written discovery requests, as required under D.N.M. LR-Civ. 26.2 (a), (b), (c). Dkt. #48.

4. The parties were permitted in this suit to engage in written discovery and schedule depositions until July 15, 2015. *See* Dkt. #44. Therefore the United States' written discovery to the Fields was timely served.

5. While the Fields provided answers to the United States' Requests for Admission and Interrogatories, no documents were produced by either of the Fields defendants.

6. The United States requested eleven distinct categories of documents in its requests. Ex. 1, 2, 3.

7. On June 3, 2015, Samuel E. Fields admitted during his deposition that he possesses documents that are responsive to nine of the eleven categories requested. Ex. 4, Samuel Fields Deposition, 49 – 60, ln. 15 – 17. While Samuel E. Fields stated during his deposition that he would produce the responsive documents, none have been produced to the United States as of the date of the filing of this motion. Ex. 4, Samuel Fields Deposition, 107 ln. 8 – 16.

8. On June 3, 2015, Johnette Fields also admitted during her deposition that she has documents that are responsive to the eleven categories of documents requested. Ex. 5, Johnette Fields Deposition, 32 – 35, ln. 25 – 10.

9. The United States will be prejudiced if it is not provided the documents that are responsive to its discovery requests. The United States will not have an opportunity to review any documents that the Fields Defendants, for example, intend to offer at trial. Additionally, the United States will not have had an opportunity to discover evidence that it may need to support its case or its defenses in preparation of trial.

The United States moves the Court to compel the Fields Defendants to produce the documents that are responsive to its Request for Production of Documents.

DAMON P. MARTINEZ
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/s/ Moha P. Yepuri
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ATTORNEYS FOR THE UNITED STATES

CERTIFICATE OF CONFERENCE

I certify that I have conferred with Defendants Samuel E. Fields and Johnette Fields by teleconference on July 9, 2015, regarding the relief sought in this motion they are opposed to the relief sought.

/s/ Moha P. Yepuri
MOHA P. YEPURI

CERTIFICATE OF SERVICE

I certify that the following persons have been served with a copy of the foregoing United States' Motion to Compel Production of Documents by Defendants Samuel E. Fields and Johnette Fields, on July 9, 2015, in the manner indicated below.

Samuel E. Fields 3317 N. Grimes Hobbs, NM 88240	Via U.S. Mail
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Johnette Fields 3317 N. Grimes Hobbs, NM 88240	Via U.S. Mail
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Lewis J. Terr New Mexico Department of Revenue and Taxation P.O. Box 630 Santa Fe, NM 87504-9981	Via U.S. Mail
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/s/ Moha P. Yepuri
MOHA P. YEPURI